

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-14977-2023

Date of Decision:-10.08.2023

Zahid Ali.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Ms. Suman Kumari, Advocate for
Mr. Nikhil Batta, Advocate for the Petitioner.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the petition under Section 438 Cr.PC is for the grant of anticipatory bail in case FIR No.0063 dated 09.07.2015 under Sections 22, 27-A, 29 of NDPS Act registered at Police Station City Malerkotla, District Sangrur, Punjab

2. The brief facts of the case are that FIR No.63 dated 09.07.2015 under Sections 22, 27-A, 29 of NDPS Act P.S. City Malerkotla, District Sangrur, Punjab came to be registered against Gopal Dass and Karanvir Singh for having in their possession 50 sealed vials (100 ml each) labelled Rexcof of Cipla Company and 30 strips containing 300 tablets labelled Carisoma. During the course of investigation the petitioner Gulzar @ Jahil Ali was nominated as an accused. However, as he could not be arrested he was declared a proclaimed offender vide order dated 18.02.2016.

3. The petitioner challenged the aforementioned order whereby he

was declared a proclaimed offender. During the course of those proceedings a copy of the order dated 18.02.2016 was provided to the petitioner after which he withdrew the said petition with a liberty to file a fresh petition challenging the order dated 18.02.2016 vide which he has been declared proclaimed offender.

4. Thereafter, a second petition bearing CRM-M-47362-2022 titled as Zahid Ali Vs. State of Punjab for quashing of the order dated 18.02.2016 was filed and in the said petition, this Court vide order dated 18.01.2023 stayed the arrest of the petitioner till 31.01.2023 enabling him to take his appropriate remedies in accordance with law.

5. In furtherance of the aforementioned order, the petitioner filed a petition for the grant of anticipatory bail before the Court of Special Judge, Sangrur and the said application came to be dismissed vide order dated 30.01.2023.

6. Against the aforementioned order he preferred his first petition for the grant of anticipatory bail bearing CRM-M-7477-2023 which was ordered to be dismissed as withdrawn after the arguments had been heard vide order dated 13.02.2023 instead of surrendering and applying for grant of bail the petitioner has filed the second petition for the grant of anticipatory bail.

7. The Counsel for the petitioner has raised various arguments. He contends that the petitioner was unaware of the proceedings emanating out of FIR No.63 dated 09.07.2015 and therefore could not join the same. As his co-accused had already been acquitted he was entitled to the concession of anticipatory bail.

8. The Counsel for the State on the other hand contends that the

petitioner is playing hide and seek with the justice delivery system since the year 2016. He had filed multiple petitions for quashing of the order vide which he was declared a proclaimed offender. However, the said order has not been stayed or set aside. His first petition for grant of anticipatory bail already stands withdrawn after arguments had been heard on 13.02.2023. No new ground has been canvassed in the instant petition. Therefore, he was not entitled to the concession of bail.

9. I have heard learned Counsel for the parties.

10. Admittedly, the petitioner is absconding since the year 2016. The order dated 18.02.2016 whereby the petitioner was declared a proclaimed offender is still very much in existence. His first petition for the grant of anticipatory bail came to be withdrawn after arguments had been heard on 13.02.2023. No new grounds have been canvassed by the petitioner entitling him to the grant of anticipatory bail by way of filing of this second petition.

11. In view of the above, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

August 10, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No